

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

ROBERT SCHELSKE, et al,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, et al,

Defendants.

Case No. 6:22-cv-00049-H

**NOTICE OF SUBSEQUENT
FACTUAL DEVELOPMENTS**

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Plaintiffs, through Counsel, provide the following additional factual developments.

First, on February 28, 2023, top pentagon officials, including Undersecretary of Defense for Personnel and Readiness Gilbert Cisneros, and Under Secretary of the Army Gabe Camarillo, testified before a House panel, on topics which included the military's vaccine mandate.¹ Those officials confirmed their conclusion that nothing in the NDAA prevents punishment from those who were given an order to vaccinate and did not comply, confirmed that the military was looking at taking adverse action against at least some who did not comply with the mandate (even though it was rescinded), and likewise confirmed that the military would not take any automatic corrective action for soldiers and other servicemembers who had been discharged. *Id.*

¹ [Troops who refused COVID vaccine still may face discipline | Federal News Network](#) (last accessed 3/8/2023);
[Troops who refused COVID vaccines still could face punishment \(militarytimes.com\)](#) (last accessed 3/8/2023)

Second, on March 6, 2023, Staff Sergeant (“SSG”) Samuel Galloway received the attached Permanent Change of Station (“PCS”) Orders Addendum in preparation for his move from Italy to Fort Bragg, North Carolina. See **Exhibit 1** hereto (PCS Orders Addendum). In the Orders addendum memorandum, paragraph 6 states:

Eligible soldiers and family members must be available to receive a full covid-19 vaccination series from the same manufacturer within a 45-day window at the same duty location. If receiving a 2 dose series, personnel must have 45 days of time on station remaining to receive the first dose of the vaccine. Personnel with less than 45 days on time on station remaining may decline this vaccine to meet the established reporting window at the new duty location.

See **Exhibit 1**. It appears that Defendants are continuing to require the COVID-19 vaccination for PCS travel with no ability for SSG Galloway to request accommodation from this COVID-19 vaccine requirement.

Dated: March 8, 2023

Respectfully submitted,

/s/ Aaron Siri

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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing by CM/ECF, this 8th day of March
2023.

/s/ Christopher Wiest
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